

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

CHANDRASIRI G. MUDUN
KOTUWAGE, individually and in
behalf of all other persons similarly
situated,

Plaintiff,

MEMORANDUM AND ORDER

Case No. 15-CV-4374 (FB) (ST)

-against-

BILT PETROLEUM, INC.; NSS
PETROLEUM INC; AMRIK S.
DHILLON; and NIRMAL SINGH,
jointly and severally,

Defendants.

-----X

BLOCK, Senior District Judge:

On February 8, 2018, Magistrate Judge Tiscione issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered against Amrik S. Dhillon in the total amount of \$57,672.75. The R&R advised that objections were due within 14 days of service and warned that “[f]ailure to file timely objections shall constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals.” R&R 27. The R&R was served on Dhillon at his last known address on February 20, 2018, making objections due by March 6, 2018. To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object, and

there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. However, the calculation of prejudgment interest must be updated to include the time since February 8, 2018. Accordingly, the Clerk shall enter judgment in accordance with the R&R, except that the amount of prejudgment interest shall be increased by \$5.30 per day¹ multiplied by the number of days between February 8, 2018, and the day on which the judgment is entered.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
March 7, 2018

¹9% annual interest ÷ 365 days × \$21,479.63 in principal.